IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2734 OF 2005

M/s.Fit Well Industries ... Petitioner

V/s.

Mahendra Jagdish Aggarwal & Ors. ... Respondents

a/w

WRIT PETITION NO.2735 OF 2005

M/s.Fit Well Industries ... Petitioner

V/s.

Mahendra Jagdish Aggarwal & Ors. ... Respondents

Mr.Manoj Mistry i/b M.P. Vashi for Petitioner
None for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 11, 2005**

P.C.:

. This Petition has been filed against the orders passed on 31.3.2005 by the Small Causes Court making the notice absolute. The notice which was taken out by the plaintiffs i.e., the respondents herein was for inspecting the suit premises alongwith their architect in order to prepare a report for the actual status of the suit premises. By the impugned order, the Respondent directed to give the Petitioner adequate notice before taking inspection of the suit premises.

2. It is submitted on behalf of the Petitioner that the Respondents have sought inspection only to collect evidence which is not permissible under Order 26 Rule 9 of Code of Civil Procedure. The learned Judge has considered all these issues and has found that it is only an order to ascertain the present status of the suit premises that inspection is ordered. The trial Court has also directed that a report be filed pursuant to the inspection.

3. No case is made out. Petitions dismissed.

4. Mr.Mistry seeks a stay of the operation of this order. Stay refused.